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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL RICHARD LYNCH and
STEPHEN KEITH CHAMBERLAIN,

Defendants.

) Case No. 18-CR-577 CRB

) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **REGARDING THE PENDING MOTION**
) **FOR A BILL OF PARTICULARS**

STIPULATION

The United States and the defendant, Stephen Chamberlain, through undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on November 1, 2021, the defendant Stephen Chamberlain made a pretrial Motion for a Bill of Particulars (Document 85).

WHEREAS, on December 1, 2021, the Court heard arguments on the pretrial motion and deferred and did not rule on the defendant's Motion for a Bill of Particulars.

WHEREAS, since December 1, 2021, the parties have conferred in good faith about the pending Motion for a Bill of Particulars. The defendant has agreed to withdraw the motion as it pertains to

Counts One through Sixteen, but not Count Seventeen. The government has agreed not to oppose a motion for a bill of particulars as to Count Seventeen. The parties have exchanged drafts of proposed bills of particular and have conferred on multiple occasions. In this way, the parties have substantially narrowed the issues before the Court.

WHEREAS the parties have not, however, agreed on a final form of the proposed bill of particulars. The government has offered to file the draft bill of particulars relating to Count Seventeen attached hereto as Exhibit A. The defendant objects, however, to the draft bill of particulars attached as Exhibit A and would like to have his objections heard by the Court.

WHEREAS the parties therefore request a supplemental briefing schedule before the next hearing before the Court.

WHEREAS the parties jointly request the following supplemental briefing schedule: the defendant will file a brief (not to exceed five pages) interposing any objections to the draft bill of particulars on May 13, 2022; and the government will file a brief in response (not to exceed five pages) on May 18, 2022; and the Court will adjourn its hearing on the motion for a bill of particulars to June 3, 2022, at 10:00 am.

IT IS SO STIPULATED.

DATED: May 4, 2022

STEPHANIE M. HINDS
United States Attorney

/s/ Adam A. Reeves

ROBERT S. LEACH
ADAM A. REEVES
Assistant United States Attorneys

DATED: May 4, 2022

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS, LINCENBERG, & RHOW,
P.C.

/s/ Gary S. Lincenberg

GARY S. LINCENBERG
Counsel for Defendant Stephen Chamberlain

~~[PROPOSED]~~ ORDER

FOR GOOD CAUSE SHOWN, the Court orders the following supplemental briefing schedule: the defendant will file a brief (not to exceed five pages) interposing any objections to the draft bill of particulars on May 13, 2022; and the government will file a brief in response (not to exceed five pages) on May 18, 2022; and the Court hereby adjourns its hearing on the Motion for a Bill of Particulars to June 3, 2022, at 10:00 am. The status conference on May 6, 2022 is vacated.

IT IS SO ORDERED.

DATED: May 5, 2022



THE HONORABLE CHARLES R. BREYER
United States District Judge

Exhibit A

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STEPHANIE M. HINDS (CABN 154284)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. 18-CR-577 CRB
)	
Plaintiff,)	THE UNITED STATES' BILL OF PARTICULARS
)	
v.)	
)	
MICHAEL RICHARD LYNCH and STEPHEN KEITH CHAMBERLAIN,)	
)	
Defendants.)	

Without conceding that it is necessary pursuant to Fed. R. Crim. P. 7, and to avoid any claims of surprise or prejudice, the United States hereby offers this bill of particulars as to Count Seventeen of the First Superseding Indictment as to defendant Stephen Chamberlain only.

1. The offenses in Paragraph 32 that defendant Chamberlain is alleged to have conspired to commit are (a) circumventing a system of internal accounting controls of an issuer of securities registered under Section 12 of the Securities Exchange Act of 1934, in violation of 15 U.S.C. § 78m; (b) tampering with witnesses, victims, and informants, in violation of Title 18, United States Code, Section 1512; and (c) obstructing proceedings before departments, agencies, and committees, in violation of Title 18, United States Code, Section 1505.

2. As alleged in Paragraph 33, defendant Chamberlain furthered the objectives of the

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conspiracy to, among other things, cover up, conceal, influence witnesses, and otherwise obstruct investigations of the scheme to defraud set forth in Paragraphs 19 through 24 by (a) falsifying, destroying, and stealing business records of HP; (b) altering, destroying, mutilating, and concealing records, documents, and objects with intent to impair their integrity and availability for use in official proceedings; and (c) otherwise obstructing, influencing, and impeding official proceedings.

3. The overt acts alleged in Paragraph 34 relating to defendant Chamberlain are Paragraph 34(e) (“On or about February 3, 2012, CHAMBERLAIN and Hussain directed an HP finance employee to falsely record approximately \$5.5 million in revenue to be included in HP’s financial statements for the period ending January 31, 2012.”); Paragraph 34(h) (“In or about May 2012, a co-conspirator instructed an HP employee to erase CHAMBERLAIN’s laptop computer and any backup.”); and Paragraph 34(k) (“On or about July 6, 2012, LYNCH caused the incorporation of ICP London Limited (“Invoke”) in the British Virgin Islands. LYNCH used Invoke and entities affiliated with Invoke as a means to pay former Autonomy employees, including Hussain.”).

Pursuant to Fed. R. Crim. P. 7(f), the United States reserves the right to amend, revise, and supplement this bill of particulars as to defendant Chamberlain as justice requires or for good cause shown.

DATED: June __, 2022

STEPHANIE M. HINDS
United States Attorney

/s/ Adam A. Reeves

ADAM A. REEVES
ROBERT S. LEACH
Assistant United States Attorneys